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COMMITTEES:
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RULES

DISTRICT 12

HOUSE ETHICS COMMITTEE
CHAIRMAN

Arizona House of Representatives Phoenix, Arizona 85007

December 6, 2017

Representative Ray Martinez
Arizona House of Representatives
1700 W. Washington Street
Phoenix, AZ 85007

Re: Martinez Ethics Complaint Dated November 14, 2017

Dear Representative Martinez:

I am in receipt of your ethics complaint dated November 14, 2017. Pursuant to Rule 14, Rules of Procedure for the House Ethics Committee, I have reviewed the complaint and a copy of the complaint has been distributed to each member of the Committee and to Representative Rebecca Rios, the member who is the subject of the complaint.

You have been interviewed by outside counsel for the House of Representatives regarding the allegations. I have received a briefing from counsel regarding the interview. Reviewing the matter in consultation with attorneys for the House Ethics Committee, the majority of your complaint involves a political dispute that you perceive with Representative Rios regarding the 2018 election cycle and candidates for Legislative District 30. The complaint also makes reference to "inappropriate relationships" by Representative Rios. Based on the complaint and my briefing regarding your knowledge of events in the complaint, neither of these issues amounts to a violation of law, rule or policy.

House Rule 1 provides: "The House may punish its members for disorderly behavior and may, with the concurrence of two-thirds of the members elected to the House, expel any member (Arizona Constitution, Article IV, Part 2, Section 11). A violation of any of the House Rules shall be deemed disorderly behavior." A.R.S. § 38-519(E) in part states that "[a] member is subject to punishment or expulsion . . . for any violation of the code of ethics, conflict of interest or financial disclosure requirements." These are found in House Rules 34 and 35 respectively. There are no allegations in your complaint that could adequately support a claim of a violation of House Rule 34 or 35.

The Arizona Constitution does not specify the types of conduct that amount to "disorderly behavior" within the meaning of Article IV, Part 2, Section 11. Instead, the Constitution commends the application of that standard to the discretion of each chamber. To that end, the investigation of complaints against members is the purview of the Ethics Committee in each chamber. A.R.S. § 38-519(D). Each Ethics Committee, in turn, promulgates its own rules governing the complaint process. *See generally*, Rules of Procedure for the House Ethics Committee. Under our rules, not every complaint requires a hearing. Instead the investigation process is left to the discretion of the Ethics Committee Chairman.

Representative Ray Martinez

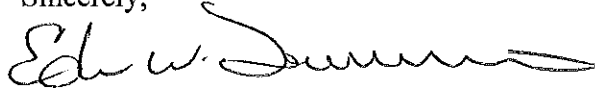
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Regarding allegations of conduct and the propriety of "relationships", the investigation process must safeguard an appropriate balance between individual liberty, privacy and the rule of law. I have concern for the process when the Ethics Committee may be invited down a path of inquiry into conduct not prohibited by law, rule or policy. Accordingly, under the Ethics Committee Rules, ethics complaints must be made based on facts within the personal knowledge of the individual making the complaint and given under oath. While your complaint is made under oath, you do not allege that your knowledge of "inappropriate relationships" complained of is due to your own observation of those events at the time they are alleged to have occurred. Instead, your complaint appears largely to be based upon information you have overheard from others. But even if you or any other individual did have first-hand knowledge of the "relationship" events alleged in your complaint, there has been no violation of a law, rule or policy.

In my opinion, your complaint to the Ethics Committee is about a political dispute. The matters you have presented do not meet the preliminary legal or evidentiary standard for Ethics Committee jurisdiction. I do not believe the inferences drawn and conclusions you make in your complaint are adequate to support a claim of a violation of a law, rule, policy or disorderly behavior. Further investigation and a hearing is not warranted and the matter is closed.

Sincerely,

A handwritten signature in black ink, appearing to read "Eddie Farnsworth", with a long, sweeping horizontal stroke at the end.

Eddie Farnsworth

Chairman

House Ethics Committee

cc:

Speaker J.D. Mesnard

Representative Rebecca Rios

Jim Drake, Chief Clerk